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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,038	07/24/2006	Frank-Uwe Sommer	37934-233415	3177
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VENABLE LLP			WILSON, BRIAN P	
P.O. BOX 34385			ART UNIT	
WASHINGTON, DC 20043-9998			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,038

Applicant(s)

SOMMER ET AL.

Examiner

Brian Wilson

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2010.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-5 and 20-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 3-5, 20-29 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Summary

1. This communication is in response to amendments/arguments filed on 05/05/2010. Claim 1 has been amended, claims 2 and 16-19 are cancelled. Claims 1, 3-5 and 20-29 are currently pending.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

3. Claim 26 objected to because of the following informalities: Claim 26 is dependent on a cancelled claim. For prosecution purposes the claim will be interpreted and rejected as being dependent from claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. Claims 1, 3-5 and 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson (U.S. Patent 5,245,652) in view of Goci (U.S. Pub 2003/0195798).

Regarding claim 1, Larson discloses a programming apparatus for transmitter/receiver systems for contactless actuation of doors/gates (met by Fig. 1; 18, 16 & Col. 28, lines 1-17 & Col. 11, lines 7-19), including a transmitter (met by Fig. 1; 14), an associated receiver comparing a received transmitter code with receiver codes (met by Fig. 1; 12 & Col. 42, lines 38-51); a computer unit for management of transmitter/receiver codes (met by Fig. 1; 18); a computer unit

for management of transmitter/receiver codes (met by Fig. 1; 18 & Col. 9, lines 11-30); an input unit coupled to the computer unit (met by Fig. 1; 18; note, keyboard and display), the input unit comprising a display unit, wherein the display unit displays the transmitter codes and the receiver codes stored in the computer unit (met by Col. 36, lines 26-31 & Col. 36, lines 43-51), wherein the input unit receives a user selection of a first displayed receiver code and assigns a first transmitter code for a first transmitter to be the same as the selected first displayed receiver code (Col. 36, lines 43-51; note, receiver code is chosen and assigned to a transmitter of an agent), wherein the input unit receives a user selection of a second displayed receiver code and assigns a second transmitter code for a second transmitter to be the same as the selected first displayed receiver code (Col. 36, lines 43-51; note, receiver/transmitter codes are unique and multiple agent transmitters can be used to access a single lockbox/receiver), wherein the first and second displayed receiver codes are different (met by Col. 37, lines 64-68 & Col. 38, lines 1-5), wherein the computer unit and the display unit are operative to block the first displayed receiver code once it has been selected and prevent the first receiver code from being further issued as a second transmitter code (met by Col. 37, lines 64-68 & Col. 38, lines 1-5); and an interface unit coupled to the computer unit (met by Fig. 1; 16 & Col. 9, lines 11-15), wherein the receiver codes and the selected transmitter codes are issued from the computer unit to the receivers and transmitters, respectively, via the interface unit (met by Fig. 1; 18, 16, 14, 12 & Col. 22, lines 5-11 & Col. 5, lines 19-33). However, Larson does not specifically disclose wherein the computer unit and the display unit are operative to *mask* the first displayed receiver code once it has been selected and to block the first *masked* receiver code from being further issued as a second transmitter code.

Goci teaches *masking* a selection, and preventing that selection from being chosen again (met by [0024]). It is obvious to highlight/mask a selection and to block that selection from being used again.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Goci's features into Larson. This provides a visual indicator to a user that an access code has already been issued, and is prevented from being used again.

Regarding claim 3, Larson further discloses specific identification codes (met by Col. 6, lines 58-68 & Col. 7, lines 1-14).

Regarding claim 4, the claim is interpreted and rejected as claim 1.

Regarding claim 5, the claim is interpreted and rejected as claim 1.

Regarding claim 20, Larson further discloses changing transmitter or receiver codes (met by Col. 36, lines 19-25).

Regarding claim 21, Larson further discloses deleting transmitter or receiver codes (met by Col. 37, lines 55-61).

Regarding claim 22, the claim is interpreted and rejected as claim 1.

Regarding claim 23, the claim is interpreted and rejected as claim 1.

Regarding claim 24, Larson further discloses wherein the programming apparatus is integrated connected to a personal computer (met by Col. 36, lines 6-9).

Regarding claim 25, the claim is interpreted and rejected as claim 1.

Regarding claim 26, the claim is interpreted and rejected as claim 1.

Regarding claim 27, the claim is interpreted and rejected as claim 1.

Regarding claim 28, the claim is interpreted and rejected as claim 1.

5. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Larson (U.S. Patent 5,245,652) in view of Goci (U.S. Pub 2003/0195798) as applied to claim 1 above, and in further view of Kucharczyk (U.S. Patent 6,696,918).

Regarding claim 29, Larson in view of Goci does not specifically teach one interface for *contactless data transmission*.

Kucharczyk teaches one interface for *contactless data transmission* (met by Fig. 3; 40). It is obvious to use either wireless or wired communication interfaces for programming, and this is simply a design choice.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Kucharczyk's features into Larson in view of Goci. This provides the ability to remotely program transmitter and receiver systems, and provides a known alternative to programming with wired interfaces and produces predictable results without undue experimentation.

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Wilson whose telephone number is 571-270-5884. The examiner can normally be reached on Monday-Thursday from 8-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BPW/

/Daniel Wu/
Supervisory Patent Examiner, Art Unit 2612